HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT APPEAL No.927 of 2006

BETWEEN:

Najeebunnisa Begum & others

..**Appellants**

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary for Revenue,
Hyderabad & others.

… **Respondents**

Counsel for the appellants : None

Counsel for respondent Nos.1,2,4,6 & 7: Government Pleader for
Revenue

Counsel for respondent No.5 : Smt. G.Jyothi Kiran

Dated: 13-09-2006

:: **JUDGMENT** ::

Per G.S.Singhvi, CJ

This appeal is directed against order dated 03-03-2006 passed by the learned single Judge in Writ Petition No.1573 of 2006 and batch whereby he refused to nullify the action of the State Government (respondent No.1) and District Collector (respondent No.2) to grant no objection certificates as also the action of Inspector General of Stamps and Registration, the Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad, the Commissioner for Municipal Corporation of Hyderabad and Deputy Director, Survey and Land Records, Hyderabad, to grant Urban Land Ceiling clearance and permission for construction and registration of sale of the land comprised in Survey Nos.129/49/D2, 129/49/D3 and 129/49/56 situated at Road No.12, Banjara Hills, Hyderabad.

In the writ petition filed by appellants, it was averred that the land in question originally belonged to Shri Ali Nawaz Jung (grandfather of petitioner No.1). After the death of his daughter, Smt. Dilawarunnisa Begum, Sri Ali Nawaz Jung is said to have made a Wakf deed, which envisaged creation of a trust for the benefit of two sons of Smt. Dilawarunnisa Begum viz., Khaisar Mohiuddin and Nazir Mohiuddin. In the year 1962 Khaisar Mohiuddin is said to have sold the land to one Kubra Fathima by registered sale deed. The latter sold the plot No.D2 to Smt. Pasha Begum and Plot No.62 to Dr. Jacob Kuruvilla. He is also said to have sold other parcels of land to A.Narasimha and five others. According to appellants, they represented to the official respondents against illegal sale of the land

in question, but no action has been taken by them. Instead, they granted 'no objection certificates' to the transferees and also issued clearances under the Urban Land (Ceiling and Regulation) Act, 1976 and sanctioned plan for raising construction over the disputed land.

The learned Single Judge dismissed the writ petition by observing that the issue raised therein requires adjudication of contentious issues of fact and for that purpose, remedy under Article 226 is not appropriate. The learned single Judge further held that relief in terms of the prayer cannot be granted because the purchasers of the land have not been impleaded as party respondents.

Since no one has appeared for appellants, we have been deprived of the assistance, which could be rendered by learned counsel for the appellants.

In view of the above, we may have dismissed the appeal in default. However, keeping in view the fact that similar appeals preferred against order of the learned Single Judge have already been dismissed, this appeal is also dismissed. The detailed reasons recorded in order dated 11-08-2006 in W.A.No.842 of 2006 and order dated 21-08-2006 in W.A.No.871 of 2006 shall be read as part of this order.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

13-09-2006

bsc